

## REMARKS

### **I. Introduction**

Claims 13-24 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the pending claims is respectfully requested.

### **II. Rejection of Claims 13 to 24 under 35 U.S.C. § 102(e)**

Examiner rejects claims 13 to 24 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,900,825 to Pressel et al. ("Pressel et al."). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). If any of the claimed elements is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). As stated in the Manual of Patent Examining Procedures (MPEP) § 706.02: "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present."

Claim 13 of the present application specifically recites that location data in the message ("the digitally coded messages containing location data") and the *selection data* from the transmitter ("transmitting, via each respective one of the transmitters, at least one message containing selection data indicative of a respective transmission region of the respective one of the transmitters") is compared in order to select the messages ("comparing, in a receiver, the location data to the digital selection data for selecting the digitally coded messages"). Claim 23 similarly describes comparing location data with selection data to select messages. In both cases, claim recites that "*selection data*" is "indicative of a respective *transmission region of the respective one of the transmitters*." (Emphasis added). As the Examiner has pointed out in the Office Action on page

3, Pressel et al. describes "the receiver system on the vehicle ***compares the position of the vehicle to the intended location indicated by each message*** (column 3, lines 52-54). If a match occurs, the information will be provided to the operator of the vehicle (abstract and column 5, lines 61-65)." (Emphasis added). In effect, Examiner is recognizing that the selection mechanism for messages as disclosed by Pressel et al. is markedly different from the selection mechanism of recited in claims 13 and 23. The selection data of claims 13 and 23 are, in effect, dependent on the respective transmission regions of the transmitters, rather than the location of the vehicle. For example, the Specification states:

In the method according to the present invention, this object is achieved in that ***the transmitters additionally emit selection data*** which characterize their respective transmission regions and which, in the receiver, ***are compared to location data contained in the messages***. Specification, page 3 lines 9-13 (emphasis added).

In a receiver according to the present invention having a device for the selection of digitally coded messages which are emitted by several transmitters, contain location data, and are selected in the receiver on the basis of selection data that depend on the respective position of the receiver, the object of the present invention is achieved in that ***the receiver furthermore has a device for the reception of selection data which are emitted by transmitters*** and which characterize the transmission region of the respective transmitter, ***and a device for comparing the selection data to the location data contained in the message***. Specification, page 6 lines 22-32 (emphasis added).

Figure 3 schematically shows the journey of a vehicle from a point A to a point B. ... ***By comparison with the areas of transmitter x (which can still be received), the receiver can now narrow down the selection to areas G2 and G3, and outputs only messages for those regions***. Figure 3 and Specification, page 9 lines 17-29 (emphasis added)(showing the use of selection data for the transmitters used in comparison with the location data in the message to select messages—in this case only messages for areas G2 and G3).

Pressel et al. describes a system that relies on the position of the vehicle to determine the selection of messages rather than selection data specifying the broadcast area of a transmitter. In particular, Pressel et al. describe:

The vehicle-mounted receiver system includes position determining means. Each message from the transmitter includes identification information specifying roadway location (including a direction of travel) for which the message is intended. The receiver system on the vehicle compares the position of the vehicle to the intended location (column 3, lines 48-49).

Also in the preferred embodiment, the vehicle-based receiver system uses GPS as its primary means for determining position and direction of travel. The roadside transmitter sites are used to supplement GPS. For example, in certain urban areas (e.g., adjacent tall building, in tunnels, and under overpasses), GPS may not be available. In these locations, ***the roadside transmitter sites can be used by the vehicle-based receiver system for determining vehicle position and direction of travel*** (column 4, lines 25-33). (Emphasis added)

Pressel et al. describe a process where a satellite-based positioning system (and alternatively from roadside transmitters) provides vehicle position information that is compared in a vehicle-mounted receiver system to location information in received messages where the location information identifies where the message is valid. In particular, Pressel et al. state at col. 5, lines 52-65:

To accomplish location specific messaging in accordance with the invention, each message transmitted by message transmitter 124 includes information identifying the location (e.g., the position on a roadway) of a vehicle 102 for which the message is intended. Vehicle-mounted receiver system 114 receives the plurality of messages broadcast by message transmitter site 120 and stores them in a memory. Receiver system 114 also receives signals from GPS 104. The signals from GPS 104 are used by receiver system 114 to determine a position of vehicle 102. ***This position is then used by receiver system 114 to select the appropriate message*** (previously received from message transmitter site 120 and stored in memory) to be provided to the operator of vehicle 102. (emphasis added)

The Examiner contends in the Office Action on page 3 that Pressel et al. describe messages that “are location specific (column 5, lines 40-65) and this location specific information is the 'selection data'. This 'selection data' will be indicative of a respective transmission region of one of the roadside transmitters such as traffic, weather, detour information, etc. (column 6, lines 38-38).”

Respectfully, Pressel et al. do not use the traffic, weather, detour information to *select messages* (and the Examiner has not contended that Pressel et al. do this); Pressel et al. use *vehicle position* to select messages, as the Examiner has already acknowledged.

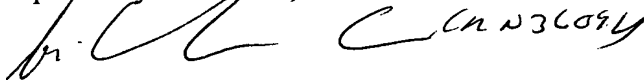
For at least these reasons, claims 13 and 23 are not anticipated by Pressel et al. Claims 14-22 and 24 depend on claims 13 and 23 and therefore are also not anticipated by Pressel et al. Applicants respectfully request the withdrawal of this rejection.

### CONCLUSION

Applicants respectfully submit that all pending claims of the present application are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

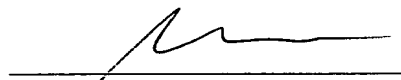
The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,



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